



Atty. Dkt. No. 081356-0224

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kazuo KOBAYASHI, *et al.*
Title: **METHYLOTROPHIC YEAST PRODUCING
MAMMALIAN TYPE SUGAR CHAIN**
Appl. No.: 10/511,436
International Filing Date: 4/28/2003
371(c) Date: 08/16/2005
Examiner: Nancy Treptow Vogel
Art Unit: 1636
Confirmation Number: 8917

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Steven A. Bent, declare:

1. Yeast strain IFO 10746 is publicly available from the National Institute of Technology and Evaluation (NITE) Biological Resource Center (NBRC), in Chiba, Japan.
(<http://www.nbrc.nite.go.jp/e/gene-e.html>). This is an independent government agency.
2. *Ogataea minuta* IFO 10746 was originally deposited in 1994, by a third party, at the Institute for Fermentation, Osaka (IFO), 17-85, Juso-honmachi 2-chome, Yodogawa-ku, Osaka 532-8686, Japan. Microorganisms previously held by IFO have since been transferred to the NBRC, as evidenced by Exhibit A.

3. Thus IFO 10746 may also be known as NBRC 10746. A copy of the online catalogue entry for NBRC 10746 is attached as Exhibit B.
4. On information and belief, the deposit has been made for a term of at least thirty (30) years, and at least five (5) years after the most recent request for the furnishing of a sample of the deposit was received by the depository. On information and belief, samples are stored under agreements that would make them available beyond the enforceable life of any patent that may issue from this application. 37 C.F.R. § 1.806.
5. On information and belief, there are no restrictions on the public availability of the deposit. 37 C.F.R. § 1.808.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Respectfully submitted,

Date 6 November 2004

By 

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

EXHIBIT A

Institute for Fermentation, Osaka (IFO)

Notice of Cessation of the Distribution of Microorganism Strains

First of all, we thank you for using our microorganisms and we are sure that you have achieved great success in your studies.

The Institute for Fermentation, Osaka (IFO) has transferred the majority of the Biological Resources to the newly constructed laboratory, NITE Biological Resource Center (NBRC)*, Independent Administrative Institution (a Government Agency), the National Institute of Technology and Evaluation (NITE), in Kazusa, Chiba prefecture.

The NBRC has taken over the work of distributing these microorganism strains since July 1, 2002. Please inquire at NBRC about the distribution.

The distribution of microorganism strains and animal cell lines deposited for Patent Application and the Safe Deposit continue, as previously, here at IFO.

We thank you for your understanding and support and look forward to working with you on a continuing basis.

Yours sincerely,

Kazuo Nakahama
Executive Director of Board of Trustees

* New institute details / name and address:

The Culture Collection Division, The Nite Biological Resource Center (NBRC)

2-5-8 Kamatari, Kazusa, Kisarazu, Chiba 292-0818, Japan

TEL: +81-438-20-5763

FAX: +81-438-52-2329

E-mail: collection@nbrc.nite.go.jp

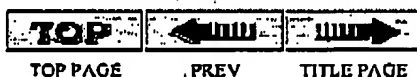


EXHIBIT B



NITE Biological Resource Center

[HOME](#) > [Department of Biotechnology](#) > [NBRC](#) > [Catalogue Search](#) > Catalogue Search Result

Catalogue Detail Information

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NBRC No.	NBRC 10746
Scientific Name of this Strain	<i>Ogataea minuta</i> (Wickerham) Yamada et al. var. <i>minuta</i>
Synonymous Name	Synonym: <i>Ogataea minuta</i> <i>Ogataea minuta</i> var. <i>nonfermentans</i> <i>Pichia minuta</i> var. <i>minuta</i> <i>Pichia minuta</i> var. <i>nonfermentans</i>
Type Strain	
History	IFO 10746 <- IAM 12900 <- DSM 70718
Other Culture Collection No.	ATCC 32658=CBS 6502=DSM 70718=IAM 12900=NRRL Y-10948=VKM Y-2085
Other No.	
Rehydration Fluid	703
Medium	108
Cultivation Temp.	24 C
Source of Isolation	soil of forest
Locality of Source	
Country of Origin	Germany
Biohazard Level	
Applications	
Mating Type	
Genetic Marker	
Plant Quarantine No.	
Animal Quarantine No.	
Herbarium No.	
Restriction	
Comment	Type strain of <i>Pichia lindnerii</i> Former name: <i>Pichia minuta</i> var. <i>minuta</i>
References	3087,3159
Sequences	

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